

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
MARLA BEHRMAN,	:
	:
Plaintiff,	:
	:
-against-	:
	:
PETER GRAYSON and MERRILL LYNCH,	:
PIERCE, FENNER & SMITH INCORPORATED,	:
	:
Defendants.	:
	:
-----X	

Index No. 11-cv-3055 (JSR)

SUPPLEMENTAL
AFFIRMATION OF ERIC J.
BRENNER IN SUPPORT OF
MOTION FOR SUBSTITUTION
OF COUNSEL FOR PLAINTIFF

ERIC J. BRENNER, under penalties of perjury, hereby affirms:

1. I am a member of the law firm of Boies, Schiller & Flexner LLP, attorneys for plaintiff, Marla Behrman.

2. I submit this Supplemental Affirmation in support of Plaintiff's Motion for Substitution of Counsel. The purpose of this Supplemental Affirmation is to clarify Defendants' position on this motion.

3. Specifically, in my Affirmation dated December 9, 2011, I stated: "Existing counsel of record consents to this substitution of counsel." This language was intended solely to mean that existing counsel that was being substituted—i.e., Plaintiff's current counsel, the Law Offices of Stanley K. Shapiro—consented to the substitution of counsel for Plaintiff.

4. Yesterday, counsel for Defendant Grayson pointed out that the language in my prior Affirmation could be construed to mean that Defendants consented to the

substitution of my firm as counsel for Plaintiff. Accordingly, I submit this Supplemental Affirmation to make clear that I did not intend to make any representation about Defendants' position on this motion.

Dated: New York, New York
December 13, 2011

/s/ Eric J. Brenner
ERIC J. BRENNER